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Attorneys for Defendant  
 T-MOBILE USA, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

KEVIN JANDA and MANJIT SINGH, on behalf of themselves and all others similarly situated and as private attorneys general on behalf of the members of the general public residing within the State of California,	)	Case No. C 05-03729 JSW
Plaintiffs,	)	
v.	)	<b>STIPULATION AND <del>[PROPOSED]</del> ORDER SETTING BRIEFING SCHEDULE ON CROSS-MOTIONS</b>
T-MOBILE USA, INC., a foreign corporation,	)	
Defendant.	)	Judge: Hon. Jeffrey S. White

**STIPULATION**

The parties, through their undersigned counsel of record, hereby stipulate and agree as follows, and jointly request that the Court order the briefing schedule set forth in the Stipulation:

- On December 8, 2005, Plaintiffs filed their Motion to Strike T-Mobile's affirmative defense concerning the alleged obligation of Plaintiffs to arbitrate their claims. Plaintiffs noted their motion for consideration on January 13, 2006.

2. On December 15, 2005, T-Mobile filed its Motion to Compel Arbitration of Plaintiffs' claims. T-Mobile noted its motion for consideration on January 20, 2006.

3. The parties agree that both the Motion to Strike and the Motion to Compel Arbitration should be noted for consideration on January 20, 2006. Plaintiffs therefore request that the Court re-note their Motion to Strike for January 20, 2006.

4. The parties further jointly request that, to accommodate counsel's commitments during the holiday season, the Court modify the briefing schedule for both motions, as follows:

Opposition Briefs Due: January <sup>5</sup>~~6~~, 2006

Reply Briefs Due: January <sup>12</sup>~~13~~, 2006

Noted for Hearing/Consideration: January 20, 2006 at 9:00 a.m..

5. In connection with the above requests, the parties further request pursuant to Judge White's Civil Standing Order No. 3 that the Court waive the requirement of Civil Local Rule 7-3(c) that Reply Briefs be filed 14 days prior to the hearing date for the motions, and that the hearing date not be rescheduled for January 27, 2006 to accommodate Civ. L.R. 7-3(c). The reason for this request is that Stephen M. Rummage, lead and trial counsel for T-Mobile, is unavailable to appear in court on January 27, 2006, as well as the following two Fridays, February 3 and 10, 2006, and the parties desire to resolve the matters at issue in the motions as soon as practicable.

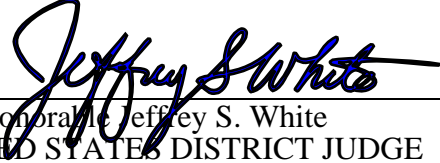
6. The parties also jointly request that, in the interests of judicial economy, the Initial Case Management Conference, currently scheduled for January 13, 2005, be rescheduled for January 20, 2005 at 9:00 a.m and be conducted following the hearing on the parties' respective pending motions.

Dated: December 19, 2005	Dated: December 19, 2005
DAVIS WRIGHT TREMAINE LLP Attorneys for Defendant T-Mobile USA, Inc.	SHORT CRESSMAN & BURGESS Attorneys for Plaintiffs
By <u>/s/ Joseph E. Addiego III</u> Joseph E. Addiego III CA State Bar No. 169522 Stephen M. Rummage, <i>pro hac vice</i>	By <u>/s/ Alex Rose</u> David Breskin, <i>pro hac vice</i> Alex Rose, <i>pro hac vice</i>

**ORDER**

Having considered the foregoing Stipulation, IT IS SO ORDERED.

DATED this 20th day of December, 2005.

  
The Honorable Jeffrey S. White  
UNITED STATES DISTRICT JUDGE

DAVIS WRIGHT TREMAINE LLP